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# Cloak and dagger

## *Bill to safeguard CIA starts rights debate*

By Robert Furlow  
Associated Press

WASHINGTON — A bill aimed at guarding the identities of secret agents could choke legitimate CIA criticism that is protected by the rights of free speech, a Justice Department official said yesterday.

But a CIA official praised the bill, now before Congress, saying that it was "urgently needed" to protect agents' lives and valuable sources of U.S. intelligence information.

The Justice Department supports legislation to protect identities of agents, but has constitutional questions about the effects of the bill on news articles or even casual conversations by citizens, Robert Keuch, an associate deputy attorney general, said. The bill is before the House Permanent Select Committee on Intelligence.

Keuch joined CIA Deputy Director Frank Carlucci and several congressmen at an Intelligence subcommittee hearing in calling for a new law to punish people who destroy the "cover" of secret agents. The hearing, however, ran quickly into a dispute over the rights of free speech.

All participants agreed that a person should be heavily fined or imprisoned for using access to classified information to expose a secret U.S. agent or a foreign informant.

But the House bill, sponsored by all 14 committee members, also would fine or imprison private citizens with no formal access to classified information if they identified an agent "with the intent to impair or impede the foreign intelligence activities of the United States."

Carlucci gave strong support for the entire bill, suggesting only changes that would toughen it further.

He said that identity disclosures in recent years had hampered U.S. intelligence efforts, threatening lives and undercutting informant confidence in dealing with U.S. agents.

"We are increasingly being asked to explain how we can guarantee the safety of individuals who cooperate with us when we cannot protect our own officers from exposure," Carlucci said.

Keuch said the Justice Department wanted the bill to penalize private citizens only if they knowingly used classified information to expose an

agent or informant.

The "intent" provision in the House bill was not a sufficient safeguard for "a mainstream journalist, who may occasionally write stories based on public information mentioning which foreign individuals are thought to have intelligence relationships with the U.S.," Keuch said.

Such persons might be fearful that any later stories critical of the CIA could be used as evidence of an intent to impede foreign intelligence activities, he said. That "could have the effect of chilling legitimate critique and debate of CIA policy," he added.

He said it also might be a "practical impossibility" to prove such intent by someone seriously engaged in such an effort.

Committee chairman Edward Boland (D., Mass.) thanked Keuch for his suggestions but chided him for not formally furnishing them sooner.

Keuch acknowledged the delay had been due to disagreement on the bill within the Carter administration, including failure of "efforts to reach an accommodation of viewpoints" with the CIA.